

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

\_\_\_\_\_  
Type or print name of person signing certification

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**PATENT APPLICATION**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

First Applicant: GONZALEZ VALCARCEL Isabel Cristina      Group Art Unit: 1625  
Serial No.: 10/566291      Examiner: J. Mabry  
Application Date: August 17, 2004      Conf No.: 5059  
US Nat'l Entry Date: January 25, 2006  
For: PPAR MODULATORS  
Docket No.: X-15998

**REPLY UNDER 37 C.F.R. 1.111 & AMENDMENT UNDER 37 C.F.R. 1.121**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**Introductory Comments**

In response to the Restriction Requirement set forth in the Office Action dated December 18, 2007, please amend this application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper. Remarks/Arguments begin on page 62 of this paper. Claims 1-3, 5-7, 10-14, 16, 18, 19, 21, 23, 26, 27, 29-31 and 43 are currently pending in the application and are subject to the 15-way restriction set forth in the Examiner's action, pursuant to 35 U.S.C. 121 and 372.

Applicants hereby elect Group III claims, with traverse, drawn to compounds, and compositions of Formula I wherein  $Q = CH_2-CO_2R^6$ ;  $A_1$ ,  $A_2$  and  $A_3 = O$ ,  $CH_2$ ,  $S$ ;  $E_1$ ,  $E_2$ ,  $E_3$ ,  $E_4$  and  $E_5 = CH$  or substituted with  $R^3$ ;  $R^1$  and  $R^2$  are H or alkyl;  $Y = a$  bond, alkyl and  $Z = \text{phenyl/napthyl-T-pyrimidyl}$  wherein T is a single bond, C or O. Applicants elect the species of Example 53, 3-{2-Methyl-4-[3-(2-pyridin-2-yl-4-trifluoromethyl-phenoxy)-butoxy]-phenyl}-propionic acid solely for searching purposes as required by the Examiner. Applicants hereby reserve the right to file one or more divisional applications to claim non-elected subject matter.

Applicants provide herein a preliminary amendment to Claim 1 with current listing of the claims and remarks to support the traversal of the present restriction grouping.

Applicants respectfully note their timely election in response to the first restriction requirement dated December 18, 2007. Applicants wish to note the timely responses for purposes of any applicable patent term adjustment for the present application.